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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,065	07/31/2003	Douglas Michael Boccker	AUS920030466US1	3523
35525 7590 07/13/2007 IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380				
			EXAMINER FRANKLIN, RICHARD B	
			ART UNIT 2181	PAPER NUMBER
			MAIL DATE 07/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/631,065

Applicant(s)

BOECKER ET AL.

Examiner

Richard Franklin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 15-18 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 15-18, 20-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 5, 7, 15 – 18, and 20 – 27 are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10 May 2007 has been entered.

Response to Arguments

3. Applicant's arguments, see pages 5 – 6, filed 10 May 2007, with respect to the rejection(s) of claim(s) 1 – 5, 7, 15 – 18, and 20 – 27 under 35 USC 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US Patent No. 7,069,365 (hereinafter Zatorski).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 7, 20, and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claims 7, 20, and 25 each recite the limitation "***the*** list of occupied end devices" at the end of each claim (emphasis added). There is insufficient antecedent basis for this limitation in the claim.

The Examiner has interpreted the limitation as referring to "***a*** list of occupied end devices" (emphasis added).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 – 3, 15 – 16, 21 – 22, 26 – 27 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 7,069,365 (hereinafter Zatorski).

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As per claims 1 and 16, Zatorski teaches a method for performing bus arbitration comprising receiving, by a device driver layer (Figure 3 Item 304) from at least one application included in an application layer (Figure 3 Items 300 and 302, Col 5 Lines 4 – 6), a request to perform a device access operation on an end device on a bus (Col 6 Lines 15 – 19), the device driver layer including at least one device driver that communicates with the end device utilizing the bus (Col 6 Lines 26 – 28); determining, by the device driver layer, whether the end device is locked (Col 6 Lines 19 – 21, Col 7 Lines 8 – 19); responsive to the end device not being locked, locking, by the device driver layer, the end device (Col 6 Lines 21 – 24) and performing the device access operation (Col 6 Lines 26 – 28); and responsive to the device access operation completing, unlocking the end device (Col 6 Lines 29 – 31).

As per claims 2, 21, and 26, Zatorski also teaches wherein the device access operation is one of a read operation and a write operation (Col 7 Lines 8 – 19).

As per claims 3, 22, and 27, Zatorski also teaches wherein responsive to the end device being locked, denying the device access operation (Col 7 Lines 32 – 44).

As per claim 15, Zatorski teaches an apparatus comprising a bus (Figure 3 Item 106); at least one end device connected to the bus (Figure 2 Item 200); at least one application included in an application layer (Col 5 Lines 4 – 6); a driver layer (Figure 3 Item 124) that includes a wrapper layer (Figure 3 Item 304), the driver layer including at

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least one device driver (Figure 3 Item 306) that communicates with the at least one end device utilizing the bus (Col 5 Lines 11 – 20, Col 6 Lines 26 – 28); wherein the wrapper layer receives a request from the at least one application to perform a device access operation on the at least one end device from within the at least one end device on the bus (Col 6 Lines 15 – 19), determines whether the at least one end device is locked (Col 6 Lines 19 – 21, Col 7 Lines 8 – 19), and, responsive to the at least one end device not being locked, locks the at least one end device (Col 6 Lines 21 – 24) and performs the device access operation (Col 6 Lines 26 – 28), and wherein, responsive to the device access operation completing, the wrapper layer unlocks the end device (Col 6 Lines 29 – 31).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 – 5, 7, 17 – 18, 20, and 23 – 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,069,365 (hereinafter Zatorski) in view of US Patent No. 6,401,110 (hereinafter Freitas).

As per claims 4, 17, and 23, Zatorski teaches the system and method as described per claims 1, 15, and 16 (see rejection of claims 1, 15, and 16 above).

Zatorski does not teach wherein the step of determining whether the end device is locked includes determining whether an address of the end device is found in a list of occupied end devices.

However, Freitas teaches wherein the step of determining whether the end device is locked includes determining whether an address of the end device is found in a list of occupied end devices (Freitas; Col 8 Lines 35 – 39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Zatorski to include checking a table because doing so allows for a determination as to who owns the device if the device is locked (Freitas; Col 8 Lines 40 – 63).

As per claims 5, 18, and 24, Zatorski teaches the system and method as described per claims 1, 15, and 16 (see rejection of claims 1, 15, and 16 above).

Zatorski does not teach wherein the step of locking the end device includes placing a device address of the end device in a list of occupied end devices.

However, Freitas teaches wherein end devices are not in the table (Freitas; Table 1) when they are not locked (Freitas; Col 10 Lines 45 - 47) and therefore when the end device becomes locked, it would get placed in the locked device table.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Zatorski to include placing the device address in the list during the step of locking because leaving the

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address out of the table when it is not locked allows for conservation of storage space (Freitas; Col 10 Lines 45 – 47).

As per claims 7, 20, and 25, Zatorski teaches the system and method as described per claims 1, 15, and 16 (see rejection of claims 1, 15, and 16 above).

Zatorski does not teach wherein the step of unlocking the end device includes removing the device address from the list of occupied end devices.

However, Freitas teaches wherein the step of unlocking the end device includes removing the device address from the list of occupied end devices (Freitas; Col 10 Lines 18 – 20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Zatorski to include removing the device address from the list during the step of unlocking because leaving the address out of the table when it is not locked allows for conservation of storage space (Freitas; Col 10 Lines 45 – 47).

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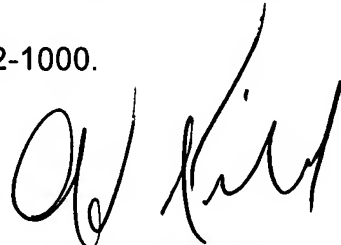
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Franklin whose telephone number is (571) 272-0669. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alford Kindred can be reached on (571) 272-4037. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Richard Franklin
Patent Examiner
Art Unit 2181



ALFORD KINDRED
PRIMARY EXAMINER